



**BOXBOROUGH PLANNING BOARD**  
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Owen Neville, Chair   Eduardo Pontoriero, Clerk   Nancy Fillmore   John Markiewicz   Hongbing Tang

**Meeting Minutes**  
**October 19, 2015**  
**7:30 PM**  
**Morse Room, Town Hall, 29 Middle Road**

**Members Present:**

Owen Neville, Chair  
Eduardo Pontoriero, Clerk  
Nancy Fillmore, Member  
John Markiewicz, Member  
Hongbing Tang, Member  
Adam Duchesneau, Town Planner

The Chair called the meeting to order at 7:31 PM.

**Meeting Minutes of October 5, 2015**

Mr. Markiewicz MADE a MOTION to approve the minutes of October 5, 2015. Ms. Tang SECONDED the MOTION. All members voted in favor and Ms. Fillmore and Mr. Pontoriero were absent from the vote.

**Correspondence**

Mr. Duchesneau indicated the Town's Consulting Engineer, Places Associates, Inc., had submitted a memorandum earlier that day regarding the 873, 1065, and 1075 Burroughs Road Private/Common Driveway Special Permit Application. The Board members reviewed this memorandum.

At this time Ms. Fillmore arrived at the meeting.

**70 Codman Hill Road ANR Plan**

Steve Auger of Hayner/Swanson Inc. was present to discuss the application with the Planning Board. Mr. Markiewicz asked what the intent of the application was and Mr. Auger stated their client was trying to see who might be interested in the property.

Mr. Neville MADE a MOTION to endorse the 70 Codman Hill Road ANR Plan and to authorize the Planning Board Chair, the Planning Board Clerk, or the Town Planner to sign the plan on behalf of the Planning Board. Mr. Markiewicz SECONDED the MOTION. All members voted in favor and Mr. Pontoriero was absent from the vote.

**Site Plan Approval Waiver Request for a proposed project at 1120 Massachusetts Avenue (Building Replacement)**

Chuck LaMarca, the General Manager and Vice President of the Boxborough National Technical Systems, Inc. (NTS) facility, was in attendance to discuss the requested Site Plan Approval Waiver with the Planning Board. Mr. LaMarca explained NTS is seeking a waiver from the Site Plan Approval process because they are simply building a new structure on top of an existing concrete slab foundation at the property. The new structure would be made of steel and fiberglass, and would be used for the storage of materials and some electrical testing. Mr. LaMarca stated NTS is shuttering one of their buildings in Acton and this new structure would store some of their materials and equipment from the Acton building. He noted they have not used the existing building on the existing concrete slab for some time and they would like to replace it with a new steel structure. Mr. LaMarca reiterated the new building would be used for storage, tooling plates, and the light testing of electronics.

Ms. Tang pointed out there have been some noise issues which have been raised by abutters to the property. Mr. LaMarca indicated noise would not be an issue with the proposed new structure. He did admit there had been a noise problem about a year ago when they made a mistake by running a generator outside of a building and it was left on over night. Mr. LaMarca noted there have been engine testing concerns in the past but felt they had addressed those issues. Mr. Markiewicz asked Mr. LaMarca if he was based in Boxborough and Mr. LaMarca indicated he was not, but was in town two to three days per week. Ms. Fillmore stated the Planning Board has heard comments from neighbors in the area who have heard noise coming from NTS very late at night. Mr. LaMarca indicated this was likely from a test that should have been run inside the building but was not, and this was a past mistake. Ms. Fillmore asked if NTS received any deliveries late at night. Mr. LaMarca stated NTS received liquid nitrogen deliveries during the day, but sometimes they occurred fairly early in the morning, perhaps around 6:00 AM.

Mr. Duchesneau clarified the Applicant, at this time, was only asking for a waiver from the Site Plan Approval process and if the Planning Board wanted to delve into some of these specific issues further, then they should perhaps not grant the waiver. Mr. Neville noted there were some abutters to the property in attendance and he asked them if they would like to comment on the request.

Larry White of 71 Sara's Way indicated he had discussed the noise problem with the Applicant in the past. He stated the noise has occurred between 2:00 AM and 4:00 AM on a number of occasions and no efforts have been made to sound proof any of the buildings at 1120 or 1146 Massachusetts Avenue. Larry White felt many of the statements made by the Applicant were untrue and had he known this item was going to be on the Planning Board agenda he would have brought along materials to make his case. Larry White also questioned the methods which were used to perform the sound monitoring which the Applicant indicated had been conducted and were found to be in compliance with the Zoning Bylaw. Mr. Markiewicz pointed out the Applicant is talking about replacing an existing building at the property with a new structure. Larry White stated if the usage of the building is questionable, the abutters to the property should know about it, and controls should be put in place.

Mark White of 93 Sara's Way confirmed with the Planning Board the Applicant was only asking for a waiver from the Site Plan Approval process, which Mr. Neville indicated was correct. Mark White noted a number of the issues which had been raised pertained to Site Plan Approval review and therefore he felt the Planning Board should require the Applicant to go through that process. Mr. LaMarca stated this was the first time he had heard of the truck deliveries being an issue and continued on to indicate he could look into addressing this matter. He also stated he was happy to give anyone a complete guided tour of the facility if they desired. Ms. Tang stated she felt if the building replacement was on a piece of upland it would not be an issue, however, it was located within the 100 foot buffer of some wetlands and the W-District. Mr. Duchesneau indicated the Applicant is already working through these issues with the Conservation Commission and the Zoning Board of Appeals.

Larry White asked if the existing building contained a basement and Mr. LaMarca indicated it did not. Larry White stated he thought there were underground portions of this building and Mr. LaMarca indicated the entire concrete pad foundation was at ground level. Larry White stated he felt the proposed structure should be required to go through the Site Plan Approval process and that he had concerns about the business's hours of operation.

Mr. LaMarca indicated the builders would be using the entire concrete pad for the new structure. Mr. Markiewicz asked if Mr. LaMarca would be willing to provide a statement of what will be stored in the building. Mr. LaMarca indicated he would be willing to do that and noted no chemicals or large testing equipment would be stored in the new structure. Mr. Markiewicz also asked if Mr. LaMarca would be willing to talk to the liquid nitrogen supplier to adjust their delivery times to more reasonable hours.

Mark White asked what the increase would be in the cubic square footage of the new building compared to the existing one. Mr. LaMarca stated it would be fairly similar in size, while not as deep, the new building would be wider. Mark White noted the dilemma is that they, as abutters, have had issues in the past with this site. He noted these issues have not been fully addressed to their satisfaction and the Applicant was providing conflicting pieces of information. Mark White asked that in light of the recent on-going issues with this property, he would prefer to have the proposed use of the property memorialized via the Site Plan Approval process.

Mr. LaMarca pointed out the current noise bylaw allows the emission of any noise at any level for up to one hour (59 minutes) without implications. He admitted they made a mistake in the past and probably emitted too much noise in one instance, but stated he could almost guarantee it would not happen again in the future. Mr. Neville asked Mr. LaMarca to speak to the differences between the existing and proposed buildings. Mr. LaMarca indicated technology which is used in airplanes was once tested in this building, but the new building will primarily be used for storage and some small electrical testing. However, no sound testing or heavy testing equipment will be located in the new building. Mr. Markiewicz asked if Mr. LaMarca was willing to document that statement and Mr. LaMarca indicated he would do that.

Ms. Fillmore stated she was comfortable providing a waiver from the Site Plan Approval process if the use of the new building was documented and only the existing concrete slab was used for the foundation. Mr. Markiewicz indicated he was comfortable with that as well, but also wanted

the usage of the building to be documented and asked that the delivery times for the liquid nitrogen be addressed. Ms. Tang agreed with this as well.

Ms. Fillmore MADE a MOTION to grant a waiver from the Site Plan Approval process for the proposed new structure at 1120 Massachusetts Avenue on the basis that written documentation for the usage of and materials to be stored in the building be provided to the Town Planner, and that the Applicant explore minimizing the noise associated with off-hours deliveries to the property. Mr. Markiewicz SECONDED the MOTION. All members voted in favor and Mr. Pontoriero was absent from the vote.

At this time the Planning Board took a short recess in order to allow Mr. Duchesneau to contact Mr. Pontoriero.

**201 Picnic Street – Scenic Road Permit & Stone Wall Removal or Alteration Application – Applicants John and Maria Neyland seek approval to remove and return/replace in kind, upon project completion, approximately 3 feet of existing stone wall to allow for the undergrounding of utilities for the single-family dwelling at the property**

The Chair opened the public hearing for the application at 8:30 PM. John Neyland and Maria Neyland, property owners at 201 Picnic Street, were present to discuss the application with the Planning Board. Mr. Neyland explained they would like to bury the utility line which connects to their house and to do this it will need to run across Picnic Street underground and through the stone wall along their front property line. Mr. Duchesneau informed the Applicants of the conditions associated with the permit. Mr. Neyland noted they looked into running their utility line underground from Avebury Circle, but the Littleton Electric Light Department would not allow it.

Ms. Fillmore then MADE a MOTION to close the public hearing. Mr. Markiewicz SECONDED the MOTION. All members voted in favor and Mr. Pontoriero was absent from the vote.

Ms. Fillmore then MADE a MOTION to approve the requested Scenic Road and Stone Wall Removal or Alteration Permit application as discussed, and to authorize the Planning Board Chair, the Planning Board Clerk, or the Town Planner to sign the decision on behalf of the Planning Board. Mr. Markiewicz SECONDED the MOTION. All members voted in favor and Mr. Pontoriero was absent from the vote.

At this time the Planning Board took a recess to wait for Mr. Pontoriero to arrive prior to the next public hearing. Mr. Pontoriero then arrived at the meeting.

**873, 1065, and 1075 Burroughs Road – Private/Common Driveway Special Permit Application – Applicant D. Bruce Wheeler, Trustee of the Whispering Pines Realty Trust, seeks approval to allow the extension of an existing common driveway to serve a proposed third new house on Lot 9 (parts of 873 and 1065 Burroughs Road)**

Ms. Fillmore recused herself from this matter indicating she was a direct abutter to the proposed project and left the room. The Chair opened the public hearing for the application at 8:40 PM. Bruce Wheeler and Brian Ahern of Habitech, Inc. and Rose Mary Chaulk of Rose Land Survey were present to discuss the application with the Planning Board. Ms. Chaulk noted there is an

existing common driveway on 1065 and 1075 Burroughs Road which they would like to extend to service Lot 9. She noted there will be a turnaround area on 1065 Burroughs Road which will accommodate emergency vehicles. Ms. Chaulk indicated the plans were reviewed by the Town's Consulting Engineer, Places Associates, Inc., who had required minor adjustments to be made. These changes had been incorporated into the plan set before the Planning Board and the memorandum which Places Associates, Inc. had submitted to the Board earlier that day stated there were no issues with the current plan set. Ms. Chaulk pointed out the drainage calculations showed the stone infiltration trenches at the edges of the common driveway would handle the drainage at the property.

Mr. Markiewicz asked if any water runoff would flow onto the Farmer's property at 1055 Burroughs Road. Ms. Chaulk indicated there would not be any runoff onto the Farmer's property as the subject property slopes away from their property line. Mr. Markiewicz asked if there are provisions to ensure the turnaround area will be plowed in the winter. Ms. Chaulk indicated this is required by the Fire Department and there would be signage indicating this as well. Ms. Tang asked about potential runoff onto Burroughs Road from the septic system grading and Ms. Chaulk indicated this was really a Board of Health issue. Mr. Duchesneau also noted this would not be permitted and if it occurred, the Applicant would need to adjust their plans.

Mr. Neville then MADE a MOTION to close the public hearing. Mr. Markiewicz SECONDED the MOTION. All members voted in favor and Ms. Fillmore was recused from the vote.

Mr. Neville then MADE a MOTION to approve the requested Private/Common Driveway Special Permit application as discussed, and to authorize the Planning Board Chair, the Planning Board Clerk, or the Town Planner to sign the decision on behalf of the Planning Board. Mr. Markiewicz SECONDED the MOTION. All members voted in favor and Ms. Fillmore was recused from the vote.

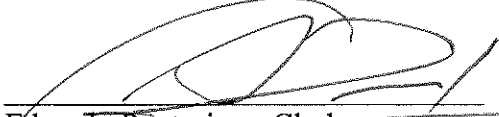
At this time Ms. Fillmore returned to the room to participate in the remaining items on the Planning Board's agenda.

#### **Discussion Regarding Possible Items for the May 2016 Town Meeting**

Mr. Duchesneau went over a list of ten possible items the Planning Board might bring as Zoning Bylaw amendments to the May 2016 Town Meeting and the Planning Board briefly discussed each one. The Board asked Mr. Duchesneau to include the possible zoning change on Hill Road from an Industrial-Commercial District to an Agricultural-Residential District to this list. Ms. Tang asked for an explanation of the Permanent Building Committee and Mr. Neville explained this was now a defunct committee but it had been comprised of residents with construction knowledge to advise the Town regarding their municipal buildings. There was some discussion regarding allowing Town staff to sign off on stone wall alterations for utility projects which only involved the removal and replacement of a portion of a stone wall. The Planning Board also decided they would not take up possible zoning amendments regarding free standing solar panels or wind turbines for the 2016 Town Meeting, but did want to explore these potential amendments in the future.

With no further business, the meeting was adjourned at 9:09 PM on a MOTION by Mr. Markiewicz, SECONDED by Ms. Fillmore, with all members voting in favor.

On Behalf of the Boxborough Planning Board

  
Eduardo Pontoriero, Clerk  
